

CHAPTER 02 MAYOR AND COUNCIL¹

ARTICLE I. IN GENERAL

Sec. 2-1. Definitions in General

The definitions in A.R.S. tit. 9 (A.R.S. § 9-101 et seq.) shall be applicable to this Chapter unless a term is specifically defined in this Chapter, or unless the context requires otherwise.

Sec. 2-2. Definitions Pertaining to this Chapter

For the purposes of interpretation of this Chapter, the following words and phrases shall mean:

- (a) *Clerk* – the office of the city clerk, including duly appointed deputies thereof.
- (b) *Manager* – the office of the city manager.
- (c) *Person* – includes officers, employees and city councilmembers of the City of Maricopa.
- (d) *Proceedings* – includes any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administered or investigated.

Secs. 2-3--2-10. Reserved.

ARTICLE II. MAYOR AND COUNCIL IN GENERAL

Sec. 2-11. Elected Officers

- (a) The elected officers of this city shall be a mayor and six councilmembers. The mayor and six councilmembers shall constitute the council and shall continue in office until their successors are elected and qualified.
- (b) The term of office for the mayor shall be two years.
- (c) The term of office for councilmembers shall be four years. Terms shall be staggered such that three councilmembers shall stand for election at one election and three shall stand for election at the following election.
- (d) A candidate shall not run for both mayor and councilmember in the same election.

¹ Adopted amended Chapter 02 by Ordinance 09-10 on 11/30/2009
Chapter 02 as of 11/21/2014

Sec. 2-12. Corporate Powers

(a) The corporate powers of the city shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion.

(b) The council may adopt ordinances which authorize the exercise of specific corporate powers by appointive officers of the city.

Sec. 2-13. Vacancies in Council²

The Council shall fill a vacancy that may occur by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty (30) days before the nomination petition deadline. Otherwise the appointment is for the unexpired term. The councilmember appointed shall be a qualified elector in the city and shall meet the qualifications set forth in Section 2-51 of this Code.

Sec. 2-14. Compensation

The compensation of elected officers of the city shall be fixed from time to time by resolution of the council, provided that the compensation of any elected officer shall not be increased or decreased except in conformance with the provisions of the state constitution, article IV, part 2, section 17.

Sec. 2-15. Naming of Facilities

The naming of all city facilities shall be the sole responsibility and authority of the mayor and council and shall be accomplished in one of the following manners:

(a) Adoption of a resolution setting forth the name of the facility; or

(b) Designation of an advisory board or appointment of an advisory committee with guidelines and parameters to be used by the committee to provide recommendations to the mayor and council who shall then decide, by resolution, on the name of the facility.

Secs. 2-16--2-30. Reserved.

ARTICLE III. MAYOR

Sec. 2-31. Election

The mayor shall be directly elected by the qualified electors of the city.

Sec. 2-32. Vice Mayor³

² Amended by Ordinance 14-03 Adopted on 05/20/2014

At the first regular meeting in the month following the date of the general election, the council shall designate one of its members as vice mayor, who shall serve at the pleasure of council. The vice mayor shall perform the duties of the mayor during his absence or disability.

Sec. 2-33. Acting Mayor

In the absence or disability of both the mayor and vice mayor, the council member with the most total years as a member of the council shall serve as acting mayor who shall have all the powers, duties and responsibilities of the mayor during such absence or disability. The city clerk shall prepare and keep on file a list of total years of service for council members as of January 1 of each year. If there are council members with the same number of years of total service, then the acting mayor shall be chosen by a vote of the council members present at the meeting.

Sec. 2-34. Powers and Duties of the Mayor⁴

The powers and duties of the mayor shall include:

- (a) Be the chief executive officer of the city performing all duties authorized or required by state statute and this Code.
- (b) Be the chairperson of the council and preside over its meetings. The mayor may make and second motions and shall have a voice and vote in all its proceedings.
- (c) Execute and authenticate by his signature such instruments as the council, or any statutes, or ordinances of this Code shall require.
- (d) By proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing, acts of the enemy or any other natural or manmade calamity or disaster by reason of threats or occurrences of riots, routes or affrays or other acts of civil disobedience which endanger life or property within the city. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the city including, but not limited to:
 - (1) Imposition of a curfew on all or any portion of the city.
 - (2) Ordering the closing of any business.
 - (3) Closing to public access any public building, street or other public place.
 - (4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
- (e) Provide an annual State of the City Address at a time and place to be determined by the mayor

Sec. 2-35. Absence of the Mayor

The mayor shall notify the clerk if he will be absent from the city for a period greater than seven calendar days.

³ Amended by Ordinance 13-08 Adopted on 9/17/2013

⁴ Amended by Ordinance 13-03 Adopted on 2/5/2013

Sec. 2-36. Failure to Sign Documents

If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, a majority of the members of the council may, at any regular or special meeting, authorize the vice mayor or, in his absence, an acting mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor.

Secs. 2-37--2-50. Reserved.

ARTICLE IV. ELECTIONS

Sec. 2-51. Qualifications of Candidates

All candidates for elected office in the city shall be qualified electors of the city. Candidates shall have resided in the city for at least one year preceding the election in which he is running, except that a person living in an area that has been annexed into the city during the year preceding the election shall be qualified if he has resided in that annexed area at least one year prior to the election.

Sec. 2-52. Resignation of Other Office or Position⁵

(a) In accordance with A.R.S. §38-296, except during the final year of the term being served, an incumbent of a salaried elective office, whether holding by election or appointment, shall resign his position upon filing a nomination paper for election to any salaried local, state or federal office.

(b) Except during the final year of the term being served, a non-salaried member of any committee, commission, task force or administrative board of the city, whether elected or appointed, shall resign his position upon filing a nomination paper for election to any salaried local, state or federal office. This provision shall not apply to member of the council who, by law, policy, or this Code, are required to act as members of other committees, commissions or administrative boards.

(c) A city employee shall resign his position upon filing a nomination paper for election to the council.

Sec. 2-53. Nonpolitical Ballot

Nothing on the ballot in any election shall be indicative of the support of a candidate.

⁵ Amended by Ordinance 12-08 Adopted on 09/04/2012
Amended by Ordinance 13-14 Adopted on 11/19/2013

Sec. 2-54. Primary Election⁶

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected. In calculating the votes cast for purposes of this Section, the basis shall be the number of votes cast for the office of mayor at that election.

Sec. 2-55. General Election Nomination

If at any primary election held as above provided there be any office for which no candidate is elected, as to such office said election shall be considered to be a primary election for nomination of candidates for such office, and the second or general municipal election shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Sec. 2-56. General Election Declaration

(a) The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to such office.

(b) If among the candidates receiving the highest number of votes, two persons receive the lowest and same number of votes, the resulting tie for the last position to be filled shall be decided by lot between those two candidates, the winner of the lot being declared elected.

Sec. 2-57. Assumption of Office⁷

The mayor and members of the council shall assume the duties of office at the first regular meeting of the council in the month following the date of the general election at which, or effective as of the date of which, the mayor and councilmembers were elected.

Sec. 2-58. Oath of Office

Immediately prior to assumption of the duties of office, the mayor and each councilmember shall, in public, take and subscribe to the oath of office.

⁶ Amended by Ordinance 13-09 Adopted on 9/17/2013

⁷ Amended by Ordinance 13-08 Adopted on 9/17/2013

Sec. 2-59. Bonds of Officers

Prior to taking office, the mayor and every councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the city or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in A.R.S. §38-260. Bonds shall be in such sum as shall be provided by resolution, and the premium for such bonds shall be paid by the city. Nothing in this Section shall preclude the City from obtaining a blanket bond pursuant to the provisions of A.R.S. §9-302.

Sec. 2-60. Financial Disclosure Statement

The mayor, each councilmember, and each candidate for mayor or councilmember shall file a financial disclosure statement in a form and with such information as provided by Resolution No. 03-05 of the council, as amended, and pursuant to state law.

Sec. 2-61. Recall

Elective officers of the city shall be subject to recall from offices by the qualified electors of the city under the proceedings and in the manner prescribed for the recall of such officers by the state statutes.

Secs. 2-62--2-70. Reserved.

ARTICLE V. RULES OF ORDER AND PROCEDURE

Sec. 2-71. Regular Meetings⁸

The council shall hold regular meetings on the first and third Tuesday of each month at 7:00 o'clock p.m., provided that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the council shall be held at the Maricopa City Hall, Council Chambers, 39700 W. Civic Center Plaza, Maricopa, Arizona, or such other place as specifically designated in writing in all required public notices. However, when circumstances are such that there is no official business requiring council consideration or that there will be no quorum of the council present, the meeting may be cancelled by the mayor after notifying all members of the council, the manager and the clerk. Notice of cancellation of the meeting shall be posted at least forty-eight hours prior to the time originally scheduled for the meeting in at least three public places in the city. At no time, however, shall the council meet less than once per month. The clerk, upon request of the mayor, or upon the written request of any three members of the council, may schedule and convene a work session prior to any regularly scheduled council meeting by notifying members of the date, hour, place and purpose and

⁸ Amended by Ordinance 10-01 Adopted 01/19/2010
Amended by Ordinance 13-06 Adopted 08/20/2013

providing appropriate public notice at least twenty-four hours in advance of the work session by posting the agenda in accordance with A.R.S. §38-431.02 and §38- 431.09, as each may be amended from time to time.

Sec. 2-72. Special Meetings

The mayor, upon his own motion, or the clerk upon the written request of three members, may convene the council at any time by notifying the members of the date, hour, place and purpose of such special meeting and by giving such additional notice as required by state law. The public shall be given at least twenty-four (24) hours notice of any such special meeting by the posting of such notice in at least three public places and preparation of an agenda in accordance with A.R.S. §38-431.09 as amended; except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate for the circumstances in accordance with A.R.S. §38-431.02 as amended. A special work session may be called in the same manner and upon the same notice as otherwise set forth in this Section for a special meeting of council.

Sec. 2-73. Meetings to Be Public

- (a) All official meetings of the council at which any legal action is taken shall be open to the public. Notice of meetings shall be given in a manner consistent with state statutes. Upon approval by a majority vote of the council, the council may meet in a closed executive session for any purpose permitted by law.
- (b) Minutes of executive sessions shall be kept confidential except from members of the council.
- (c) No executive session may be held for the purpose of taking any legal action involving making a final vote or decision.

Sec. 2-74. Quorum

A majority of the council shall constitute a quorum for transacting business but a lesser number may recess from time to time and compel the attendance of absent members. Any member of the council, at any regular or specially called meeting, may, in writing, demand the attendance of any absent member, which demand shall be entered of record forthwith by the clerk. It shall thereupon be the duty of the chief of police, upon the entry of the demand to bring the member forthwith to attend the council meeting, and upon the failure or refusal of the member to forthwith attend the council meeting, it is the duty of chief of police to arrest the member and bring him to the meeting, and to remain there until the business of the meeting has been performed and such meeting has regularly adjourned.

Sec. 2-75. Agenda

- (a) The manager and clerk are responsible for receiving and organizing all materials for the agenda. The manager and clerk are authorized to establish timeframes and guidelines to assure all materials are received in a uniform, complete and timely manner for placement on the agenda and to furnish each councilmember, the mayor, and designated staff with a copy of the agenda and any material pertinent thereto in a timely manner prior to the meeting.

(b) The manager will also place an item on the agenda at the request of the mayor or two councilmembers.

Sec. 2-76. Order of Business⁹

The business of the council shall be taken up for consideration and disposition in the following order:

(a) Call to Order. The mayor shall take the chair precisely at the hour set for the meeting and shall immediately call the council to order. In the absence of the mayor, the vice mayor shall call the council to order. In the absence of both the mayor and vice mayor, the clerk shall call the council to order and an acting mayor shall be selected to chair the meeting. Upon arrival of the mayor or the vice mayor, the vice mayor or the acting mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

(b) Invocation and Pledge. The mayor or presiding official pursuant to paragraph (a) may request that a councilmember or member of the general public open the meeting by invocation, which shall be followed by the pledge of allegiance.

(c) Roll Call. Before proceeding with the business of the council, the clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members may adjourn pursuant to Section 2-74 of this Code.

(d) Introduction of Distinguished Guests and Visitors, Awards, Presentations and Communications. The council may wish to acknowledge the presence of an individual or individuals present in the audience. Proclamations issued by the mayor, presentations from other agencies and awards given to or received by the city will be considered at this time.

(e) Mayor's Report. The mayor may present information pertinent to items under consideration or information related to the operations of the city.

(f) City Manager's Report. The manager, members of the city staff or those individuals designated by the manager may present information pertinent to items under consideration or information related to the operation of the city.

(g) Call to the Public. At this time the council shall, as it deems necessary, consider all business not specifically provided for herein. Requests, petitions, remonstrances, communications, comments or suggestions from citizens present shall be heard. All such remarks shall be addressed to the council as a whole and not to any member thereof. Such remarks shall be limited to a maximum of five minutes unless additional time is granted by the mayor. Where a group or organization wishes to present comments or discussion, one person from the group shall be designated to present said comments or discussion. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.

(h) Minutes. If not included as a consent agenda item, the clerk shall present the minutes of the preceding council meeting which shall be approved if correct. Any error noted shall be corrected and initialed by the clerk.

(i) Public Hearings. Public hearings required by city ordinance, state statute or federal regulations shall be conducted by the council and all interested parties given the opportunity to speak. Public hearings shall be conducted on amendments to the zoning

⁹ Amended by Ordinance 11-13 Adopted on 10/18/2011

ordinance, if requested by the aggrieved party, any member of the public or any member of the council, or if no public hearing has been held by the planning and zoning commission.

(j) Consent Agenda. The council may, at this time, take single action on any or all items listed as consent agenda items. These items may include, but are not limited to, acceptance of agenda, acceptance of minutes, acceptance of resignations and adoption of certain resolutions and other items which do not require a public hearing.

(k) Regular Agenda. The council shall consider any business not heretofore considered including, but not limited to, acceptance of resignations, adoption of resolutions or ordinances not requiring a public hearing, consideration of contracts, award of bids, appointments to boards and commissions and setting of dates for work sessions, special meetings and executive sessions. Council liaison reports and committee reports as required by the council shall be presented at this time. No member of the public shall be permitted to speak on these items unless they have first filed a written request to speak with the clerk or they have been invited to do so by the council.

(l) Executive Session. The council may, by a majority vote of those present, adjourn into executive session to receive advice from the city attorney regarding any item on the agenda or any item allowed by state statute that has been properly agendaized.

(m) Adjournment. The council may, by a majority vote of those present, adjourn at the conclusion of business. A motion to adjourn shall always be in order and decided without debate.

Sec. 2-77. Voting ¹⁰

(a) The mayor shall vote as a member of the council.

(b) The ayes and nays upon all questions shall be taken and entered in the minutes by voice vote or electronic vote.

(c) Upon the request of any member, the ayes and nays may be taken and entered in the minutes by roll call vote.

(d) The following actions of the council shall require at least four affirmative votes in order to become effective:

(1) Adoption of amendments to the City Code.

(2) Adoption of resolutions approving a new general plan or any amendments to the general plan.

(3) Adoption of amendments to the zoning code.

(4) Adoption of rezoning ordinances.

(5) Adoption of resolutions approving development agreements pursuant to A.R.S. § 9-500.05 or A.R.S. § 9-500.11.

(6) Authorizing any eligible ballot item to be referred to the voters.

(7) Adoption of the annual budget.

(8) Adoption of a capital improvements plan.

(9) Adoption of any property tax levy.

¹⁰ Amended by Ordinance 11-03 Adopted 2/15/2011

- (10) Adoption of changes to the sales tax rate.
- (11) Adoption of changes to fees and charges, including but not limited to utility rates and system development fees.
- (12) Approval of lease-purchase agreements or issuance of debt instruments.
- (13) Approval of amendments to personnel rules.
- (14) Approval of memoranda of understanding with employee organizations.
- (15) Authorizing the filing of any civil litigation.
- (16) Approving any non-binding public declaration or resolution on policy or political issues.
- (17) Approval of actions related to the employment, suspension, or removal of the city manager.

Sec. 2-78. Conduct of Meetings

- (a) *Preservation of order and decorum.* The mayor shall preserve order and decorum.
- (b) *In accord with Robert's Rules of Order, Newly Revised.* The mayor shall conduct the proceedings of the meetings generally in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, except where Robert's Rules of Order, Newly Revised, conflict with this Code or other applicable state or local laws. The city attorney shall serve as parliamentarian or a parliamentarian may be appointed by the council to be present at all regular meetings.
- (c) *Reconsideration.* Any councilmember who voted with the prevailing side may move that the council reconsider any council decision or action at the same or the next meeting. For purposes of this Section only, the next meeting is the next meeting or session after the original vote is taken, in which the agenda provides notice of possible council action. Councilmembers may move for reconsideration by:
 - (1) Placing the proposed reconsideration motion on the agenda for consideration at the next meeting; or
 - (2) Making a request at either the same or next regular meeting that the proposed reconsideration motion be placed on the agenda for consideration at the next meeting following the request.

Sec. 2-79. Addressing the Council

The public in accord with other provisions of this Code shall have the right to petition council at the call to the public, the time for which to be prescribed by council, but otherwise any person wishing to address any regular or special meeting of the council shall obtain consent of the mayor or consent of a majority of the council members present.

Sec. 2-80. Disruption of Meetings; Penalty

It shall be unlawful to disturb or interrupt any regular or special meeting of the city council; any person violating this Section, in addition to being punishable as follows, shall be summarily

ejected from said meeting. Any person violating any provision of this Section shall be subject to being fined not more than twenty dollars (\$20.00) and by imprisonment until payment of the fine.

Sec. 2-81. Misconduct of Members

(a) The mayor shall be authorized to assess a fine of not more than twenty dollars (\$20.00) upon any member for disorderly conduct at any meeting of the council upon a concurring vote of three (3) members thereof and to hold and direct such to be imprisoned until the payment of such fine.

(b) Any member of the council may be expelled for any cause determined sufficient by the council upon a vote of five (5) of the members.

(c) The judgment of the council as to the causes for fine or expulsion shall be conclusive.

Sec. 2-82. Boards, Committees and Commissions¹¹

Unless otherwise directed by council, the following provisions will apply to all city of Maricopa standing committees, task force committees, council standing sub committees, council task force sub committees, or any other board committee or commission council may create. The provisions of this Section shall not supersede any board, committee, or commission that contains membership and appointment requirements within the enabling statutes or bylaws.

(1) Standing Committee

(a) Currently Established Boards, Committees and Commissions

(i) Council Established Standing Committees

- (A) Parks, Recreation and Libraries Advisory Committee
- (B) Transportation Advisory Committee
- (C) Heritage District Citizen Advisory Committee
- (D) Non-Profit Funding Evaluation Committee

ii) Council Established Standing Boards

- (A) Industrial Development Authority Board
- (B) Merit Board
- (C) Public Safety Personnel Retirement System Board
- (D) Board of Adjustments

iii) Council Established Standing Commission

- (A) Planning and Zoning Commission

b) Definition of a Standing Committee

- (i) A Standing Committee shall be formed by Council, comprised of Maricopa residents. Committees shall take directions from City Council and City staff liaison for the purpose of studying, researching and advising Council on topics of special interest.

¹¹ Amended by Ordinance 12-07 Adopted on 08/07/2012
Amended by Ordinance 14-15 Adopted on 10/21/2014

c) Criteria for Creation of a Standing Committee

- (i) Council may create a Standing Committee to study and review multiple dynamic issues of a common topic in order to advise and make recommendations to Council in an open Council meeting.
- (ii) A Standing Committee is best suited when the following conditions are met:
 - (A) There are many related topics that interact with each other.
 - (B) There are ongoing activities in the area creating dynamic shifts.
 - (C) Council will benefit from in depth and extended citizen input.
 - (D) Council will be requested to act in the future in regards to this issue.
 - (E) The issue is of significant importance to a significant segment of residents.

d) Number of Members

- (i) All boards, committees and commissions shall consist of seven (7) members, with each member position being nominated by a member of Council.

e) Eligibility of Members

- (i) Members must be a current City of Maricopa resident in good standing, property owner or business owner for a minimum of one (1) year. Members must be at least 18 years of age and registered to vote in Pinal County. Members must complete the City of Maricopa Citizens Academy within two (2) years of appointment. Members shall not be a current member of any standing board committee or commission, City of Maricopa Council, or staff. Members appointed to boards, committees or commissions shall not be a direct family member (Parent, Spouse, Sibling or Child) of a sitting member of Council unless there are not sufficient applicants for the position.

f) Terms of Members

- (i) A member's tenure shall be coterminous with the term of office of the nominating member of Council.
- (ii) Members shall continue to serve until their successor is approved by a vote of Council.
- (iii) A member shall continue their tenure if the nominating member of Council leaves Council, until that seat is replaced by a vote of the people.

g) Selection of Members

- (i) Each member of Council shall select a candidate for appointment from the applicant bank.
- (ii) Each member of Council shall nominate a member at a meeting of Council, within three (3) months of the member of Council being seated. The Mayor may, if it is in the best interest of the City, make any nomination not made within three (3) months. Any such appointment shall be approved by a majority vote of the Council.

- (iii) Interested parties shall declare their intent to serve by submitting an application, listing all qualifications, and providing a resume and/or cover letter to the City Clerk for the application bank.
- (iv) Applications will be kept active in the application bank for five (5) years. Applicants are responsible for maintaining a current application on file.

h) Resignations or Removal of Members

- (i) Members will notify the City staff liaison, committee chair, or nominating member of Council, of their intent to resign their appointed position prior to the end of their term.
- (ii) Any member may be removed by a majority vote of Council.
- (iii) Any member who is absent for three (3) consecutive meetings without contacting the chairperson or staff liaison, has not completed the Citizen's Academy, or is absent to any four (4) meetings over a six (6) month period shall be considered as having resigned his/her position
- (iv) Resignations shall be confirmed by a majority vote of the remaining members of the board, committee or commission.

i) Vacancies

- (i) In the event of death, resignation, removal of a member, a vacancy will be declared and will be reported to the Chair, staff liaison, and City Clerk's Office.
- (ii) The nominating member of Council shall be informed of the vacancy and allowed to begin the selection process for a new member.
- (iii) The nominating member(s) of Council may request that any vacancy be announced at the next regular meeting of Council.

j) Member Responsibility

- (i) Members shall advise the Council related to policy matters relevant to the scope of the given board, committee or commission.
- (ii) Members shall act on behalf of the best interest of the City and shall maintain ongoing communication throughout their membership term.
- (iii) Members shall select one (1) of its members to serve as chairman for no more than two (2), one year terms.

k) Staff Responsibility

- (i) A City of Maricopa staff member shall be designated as a staff liaison to each board, committee and commission.

l) Meeting Schedule

- (i) Members will meet as determined by Staff Liaison
- (ii) Members will meet a minimum of once a year for training with the staff liaison.

m) Agenda Process

- (i) Agenda topics should reflect the needs of Council to gain greater knowledge and understanding on a topic or to receive public input on a topic in support of possible Council action.
- (ii) Agenda topics may originate as a request by an individual Council member to the Mayor, by Council direction in an open meeting setting, or as a recommendation from the staff liaison.
- (iii) Agenda topics will be communicated to the committee by the staff liaisons.
- (iv) The staff liaison will prepare the agenda language, maintain topical relevance of each individual agenda item; transmit the finished agenda to the Chair and then to the City Clerk in order to be post in compliance with City procedures and Arizona Open Meeting Law.

n) Reporting Process

- (i) Meeting notes in the form of minutes shall be prepared by staff for approval by the Board, Committee or Commission, and forwarded to the Office of the City Clerk. Actions will be posted on the City website.
- (ii) A single board, committee or commission member who is designated by the Chair may present a two (2) minute report to Council on behalf of their respective board, committee or commission, on topics previously considered by the board, committee or commission and which are included on the Council Work Session agenda and limited to one report per meeting. The two minute report shall include a summary of the scope of discussion, major questions or outcomes discussed and formal action taken by the respective board, committee or commission.

2) Task Force Committees

a) Definition of a Task Force Committee

- (i) A Task Force Committee is a type of ad hoc committee created by Council, made up of interested parties with a specialized interest or background, for a limited period of time to address one general topic and produce specific outcome(s) that can be achieved and reported to council within Council prescribed time limits. A Council created Task Force Committee will end on a date determined by Council.

b) Criteria for Creation of a Task Force Committee

- (i) Council may create a Task Force Committee to study and review specific issues and to make recommendations to Council in an open Council meeting.
- (ii) A Task Force Committee is best suited when the following conditions are met:
 - (a) There is one clearly definable topic to be addressed.
 - (b) There is a measurable outcome that can be achieved.
 - (c) Council will benefit from in-depth and extended citizen input.
 - (d) Council will be requested to act in the future regards to this issue.
 - (e) The issue is of significant importance to a significant segment of residents.

c) Number of Members

- (i) The number of members shall be determined by the Mayor.

d) Eligibility of Members

- (i) Eligibility of Members shall be determined by the Mayor.

e) Terms of Members

- (i) Members shall be appointed and serve for the duration of the Task Force Committee

f) Selection of Members

- (i) Members shall be appointed by the Mayor
- (ii) Interested parties shall declare their intent to serve by contacting staff.

g) Removal of Members

- (i) Members serve at the pleasure of the Mayor.

h) Vacancies

- (i) Members will notify Mayor, committee chair, or staff liaison of intent to vacate their position on any task force prior to completion of their activities. Vacancies may be filled at the discretion of the Mayor.

i) Member Responsibility

- (i) Mayor shall serve as Chairperson of all Task Force Committee for the duration of the Task Force Committee or until such time the Mayor delegates this responsibility to an appointed member. Members shall act on behalf of the best interest of the City.

j) Staff Responsibility

- (i) At least one City of Maricopa staff member shall be assigned as a staff liaison to each Task Force Committee.

k) Meeting Schedule

- (i) Members will meet as needed to complete their goal.

l) Agenda Process

- (i) The Chairperson will maintain the agenda.
- (ii) Agenda topics will reflect the intent in which the Task Force was created.
- (iii) The Chairperson or staff liaison will prepare the individual agenda language, maintain topical relevance of each individual agenda item and transmit the agenda to the City Clerk and Mayor in order to be post in compliance with City procedures and open meeting law.

m) Reporting Process

- (i) Meeting notes in the form of action items, shall be prepared by staff liaison or Chairperson, reviewed by City Manager, and forwarded to the Office of the City Clerk to be distributed to Council members.

3) Council Standing Subcommittees

a) Established Standing Subcommittees

- (i) Personnel & Benefits Council Subcommittee
- (ii) Marketing & Communications Council Subcommittee
- (iii) Budget, Finance & Operations Council Subcommittee

b) Definition of a Council Standing Subcommittee

- (i) A Council Standing Subcommittee is formed by the Mayor, made up of Council members with a special interest, in order to advise the full Council on topics destined for Council consideration.

c) Criteria for Creation of a Council Standing Subcommittee

- (i) Council may create a Council Standing Subcommittee to study and review multiple dynamic issues of a common topic and to make recommendations to the full Council in an open Council meeting.
- (ii) A Council Standing Subcommittee is best suited when the following conditions are met:
 - (A) There are many related topics that interact with each other.
 - (B) There are ongoing activities in areas that create dynamic shifts.
 - (C) Council will benefit from in depth and extended Council member input.
 - (D) Council will be requested to act in the future in regards to this issue.

d) Number of Members

- (i) All Council Standing Subcommittee shall consist of the Mayor or his delegate and two (2) Council members. The Mayor or his /her delegate shall serve as Chairperson.

e) Member Appointment

- (i) Council members shall be appointed by the Mayor at a regular session of Council, within three (3) months of elected Council members being seated, based on Council member's interest and the best interest of the Council Standing Subcommittee.

f) Term of appointment

- (i) Council members shall serve two (2) year terms.

g) Member Responsibility

- (i) Members shall advise the Council related to matters destined to go before Council and are relevant to the scope of the given Council Subcommittees.

h) Staff Responsibility

- (i) At least one City of Maricopa staff member shall be assigned as a staff liaison to each Council Subcommittee.

i) Agenda Process

- (i) Items shall be added to the subcommittee agenda based on a request;
 - (A) By staff, and approval of the City Manager or Mayor.
 - (B) By a request and approval of the Mayor, or City Manager.
 - (C) By two or more Council members, and approval of the City Manager or Mayor.
 - (D) By Council direction in an open meeting setting.
 - (E) Agenda language will be submitted by staff liaison, approved by City Manager and posted by the Office of the City Clerk in compliance with City procedures and Arizona Open Meeting Law.

j) Reporting Process

- (i) Meeting notes in the form of Discussion Points and Action Items shall be prepared by staff liaison, reviewed by meeting Chairperson and City Manager, and forwarded to the Office of the City Clerk to be distributed to Council members.

4) Council Task Force Subcommittees

a) Definition of a Council Task Force

- (i) A Council Task Force is a type of ad hoc committee created by the Mayor, comprised of interested Council members for a limited period of time to address one general topic and produce specific outcome that can be achieved and reported to Council within Council prescribed time limit. A Mayor created Council task force will end on a date determined by the Mayor.

b) Criteria for Creation of a Council Task Force

- (i) Mayor may create a Council Task Force to study and review specific issues and to make recommendations to Council in an open Council meeting.
- (ii) A Council Task Force is best suited when the following conditions are met:
 - (A) There is one clearly definable topic to be addressed.
 - (B) There is a measurable outcome that can be achieved.
 - (C) Council will benefit from in depth and extended Council member input.
 - (D) Council will be requested to act in the future in regards to this issue.

c) Number of Members

- (i) All Council Task Forces shall consist of the Mayor or his delegate and two (2) Council members. The Mayor or his/her delegate shall serve as Chairperson.

d) Selection of Members

- (i) Council members shall be appointed by the Mayor.

e) Terms of Members

- (i) Council members shall serve for the duration of the Council Task Force.

f) Staff Responsibility

- (i) At least one City of Maricopa staff member shall be assigned as a staff liaison to each Council Task Force.

g) Meeting Schedule

- (i) Members will meet as needed to complete their goal.

h) Agenda Process

- (i) The Chairperson will maintain the agenda.
- (ii) Agenda topics will reflect the intent in which the Council Task Force was created.
- (iii) The Chairperson or staff liaison will prepare the individual agenda language, maintain topical relevance of each individual agenda item and transmit the agenda to the City Clerk and Mayor in order to be post in compliance with City procedures and Arizona Open Meeting Law.

i) Reporting Process

- (i) Meeting notes in the form of action items, shall be prepared by staff liaison or the Chairperson, reviewed by the City Manager, and forwarded to the Office of the City Clerk to be distributed to Council.

Sec. 2-83. Suspension of Rules

Any of the provisions of this Article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this Section shall not be construed to permit any action that is contrary to state statutes.

Secs. 2-84--2-90. Reserved.

ARTICLE VI. LEGISLATION

Sec. 2-91. Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the city attorney. When there are substantive matters of administration involved, all ordinances, resolutions and contract documents shall be referred to

the person who will be charged with the administration of such ordinance, resolution or contract. Such person shall have an opportunity to present comments, suggestions and objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Sec. 2-92. Introduction

Ordinances, resolutions, and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council, except that the city attorney, the manager or the clerk may present ordinances, resolutions and other matters or subjects to the council, and any councilmember may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

Sec. 2-93. Requirements of an Ordinance

Each ordinance may have only one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this Code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance.

Sec. 2-94. Reading of Proposed Ordinance

All ordinances shall have at least one reading, which may be performed on the same day on which it was introduced or passed. All such readings shall be by title only unless the council, by majority vote, requires reading of the text of the ordinance in full.

Sec. 2-95. Adoption

All ordinances except emergency ordinances and ordinances described in Section 2-77(d) shall require the affirmative vote of a majority of all councilmembers present at any regular or special council meeting in order to become effective. Emergency ordinances and resolutions shall require the affirmative vote of three-fourths of all the members of the council. No ordinance shall be passed unless all councilmembers present at the meeting are in possession of copies of such ordinance.

Sec. 2-96. Effective Date

No ordinance, resolution or franchise shall become operative until thirty (30) days after its passage by the council and approval by the mayor, except emergency measures necessary for the immediate preservation of the peace, health, safety or welfare of the city. An emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it shall become immediately operative, and unless it complies with the requirements of Section 2-95.

Sec. 2-97. Signatures Required

Every ordinance and resolution passed by the council shall, before it becomes effective, be signed by the mayor and attested by the clerk.

Sec. 2-98. Publication

Only such resolutions and ordinances of the city council shall be published as required by state law.

Sec. 2-99. Posting

Every ordinance imposing any penalty, forfeiture, or other punishment shall, after passage, be posted by the city clerk in three or more public places within the city, and a copy of such ordinance, with affidavit of posting attached, shall be filed in the office of the city clerk and shall be proof of posting as provided by law.

Secs. 2-100--2-110. Reserved.

ARTICLE VII. INDEMNIFICATION OF OFFICERS, EMPLOYEES AND COUNCILMEMBERS

Sec. 2-111. Indemnification

Any person made a party or threatened to be made a party to any proceeding by reason of the fact that said person is an officer, employee or city councilmember of Maricopa shall be indemnified by the city as hereinafter set forth.

Sec. 2-112. Action Other Than By or In the Right of City

If said proceeding is one other than an action by or in the right of the city, said person shall be indemnified against his expenses, including reasonable attorney's fees, and including judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such proceeding if he acted, or his failure to act was, in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the city.

Sec. 2-113. Criminal Proceeding

If said proceeding is a criminal proceeding, said person shall be indemnified if he had no reasonable cause to believe his conduct was unlawful.

Sec. 2-114. No Presumption Created

With respect to indemnification under Section 2-112 or 2-113 above, a termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, by itself, create a presumption that said person acted, or failed to act, other than in good faith and in a manner which he reasonably believed to be in or not opposed to the best interest of the city; and with respect to any criminal proceeding, had reasonable cause to believe that his conduct was unlawful.

Sec. 2-115. Action By or In the Right of City

If said proceeding is one by or in the right of the city to procure a judgment in the city's favor, said person shall be indemnified against his expenses, including reasonable attorney's fees, but excluding judgments and fines, and, except as hereinafter set forth, amounts paid in settlement actually and reasonably incurred by him in connection with the defense or settlement of such proceeding if he acted, or his failure to act was, in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the city.

Sec. 2-116. Negligence and Misconduct

No indemnification under Section 2-115 shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the city except that such person may apply to the court in which such proceeding was brought and request a determination that such person is fairly and reasonably entitled to indemnity for such expenses when such court shall deem proper. The court in which any such proceeding was brought may determine upon application that, in view of

all circumstances of the case, indemnity for amounts paid in settlement is proper and may order indemnity for the amounts so paid in settlement and for the expenses, including attorneys fees, actually and reasonably paid in connection with such application, to the extent the court deems proper.

Sec. 2-117. Success on the Merits

To the extent that a person covered by this Article has been successful on the merits or otherwise in defense of any proceeding covered by this Article or in the defense of any claim, issue or matter therein, he shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him in connection therewith.

Sec. 2-118. Determination by Council

(a) Any indemnification made pursuant to this Article, unless ordered by a court, shall be made by the city only as authorized in the specific case upon a determination that indemnification of the officer, employee or councilmember is proper in the circumstances because he has met the applicable standard of conduct set forth in this article. Such determination shall be made by any of the following:

- (1) By the city council by majority vote of a quorum consisting of councilmembers who were not party to the proceeding.
- (2) If a quorum is not obtainable, then in a written opinion of independent legal counsel acquired by majority of the disinterested councilmembers for that purpose.
- (3) If there are no disinterested councilmembers, by the court or other body before which the proceeding was brought or in the court of competent jurisdiction upon the approval of an application by any person seeking indemnification, in which case indemnification may include the expenses and attorneys fees actually and reasonably paid in connection with such application.

Sec. 2-119. Payment of Expenses in Advance

Expenses, including attorneys fees, incurred in defending a civil or criminal proceeding may be paid by the city in advance of the final disposition of such proceeding as authorized in the manner provided in Section 2-118 upon receipt of an undertaking by or on behalf of the officer, employee or council member to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the city as authorized by this Article.

Sec. 2-120. Indemnification Not Exclusive Remedy

The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnity may be entitled.

Secs. 2-121--2-130. Reserved.

ARTICLE VIII. CODE OF ETHICS ¹²

SEC. 2-131. Policy

(a) It is the policy of the City of Maricopa to uphold, promote and demand the highest standards of ethics from its Mayor and City Council. The Mayor and the City Council shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws and never use their city position or powers improperly or for personal gain. By operating with these values, the City shall build, maintain, and enhance the trust of the public, staff and fellow Council Members. This Code of Ethics has been created to ensure that all elected officials have clear guidance for carrying out their responsibilities.

(b) All City Officials shall obey and observe the letter and spirit of the constitution and laws of the United States of America, the constitution and laws of the State of Arizona, and the code, laws and policies of the City of Maricopa applicable to City Officials, including the City's Code of Ethics.

(c) As a prerequisite for exercising any power of office, each City Official is required to read and agree in writing to comply with the provisions of these laws, regulations, policies and this Ethics Code.

SEC. 2-132. Definitions

For the purposes of interpretation of this Article, the following words and phrases shall mean:

(a) *City Official* - the Mayor and members of the City Council.

(b) *Ethics Code* - the provisions set forth in this Article VIII.

Except as otherwise provided herein, the words, terms, and phrases used in this Article shall have the meanings ascribed to them in Title 38 of the Arizona Revised Statutes and the City Code, except where the context clearly indicates a different meaning.

SEC. 2-133. Code of Ethical Conduct

(a) Operate in an Open, Accessible, and Transparent Manner and Adhere to All Applicable Laws At All Times

(1) The citizens of Maricopa expect and deserve open government. City Officials shall comply with all open meetings and public records laws as set forth in A.R.S. §§ 38-431 through 431.09 and §§ 39-121 through 121.03.

(2) City Officials shall conduct city business with transparency, seeking public input as advisable or appropriate, in a manner that fully adheres to and preferably exceeds state law regarding open meetings and transparency of actions and shall not circumvent the open meeting law, or the spirit of the law, by using technology, a "hub and spoke"

¹² Added Article VIII by Ordinance 13-12 Adopted on 11/05/2013

scheme, or any technique involving less than a quorum yet designed to communicate with a quorum of the public body.

(3) City Officials shall be accessible, open and conduct city business with transparency.

(b) Conflicts of Interest

(1) City Officials shall not be involved in any activity which creates a conflict of interest with their responsibilities to the City and its residents as defined by Arizona law.

(2) City Officials shall disclose and make known actual or perceived conflicts of interest as required by Arizona law.

(3) When a known conflict of interest arises, the City Official involved shall disclose the conflict as soon as reasonably practical and shall refrain from participating in any manner in the city's decision-making processes on the matter as a City Official, including voting on the matter or attending meetings with, having written or verbal communications with, or offering advice to any member of the City Council, or any city employee, contractor, agent, member of a city board, commission, committee, task force, other appointed advisory group or agency (other than the city attorney when the City Official is seeking legal advice regarding a possible conflict).

(4) During a public meeting when an agenda item in which a City Official has a conflict of interest comes up for consideration, the City Official shall state publicly that he or she has a conflict, recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

(c) Serve Public Interests Over a Council Member's Personal Interests

(1) City Officials have the obligation to put the interests of the City of Maricopa over all personal considerations.

(2) The goal should be to balance what is in the best interest for the broadest public good of the City, consistent with constitutional and other legal protection for minority, property and other interests.

(3) City Officials shall use discretionary funds and City resources for public interest rather than personal interests.

(4) City Officials shall avoid favoritism and retribution.

(d) Undue Influence and Appearance of Impropriety

(1) No City Official shall use or attempt to use his or her official position to influence Council decisions or City staff actions in favor of individuals, organizations or companies that may directly benefit the individual City Official.

(2) Ask "Does this pass the headline test?"

(3) City Officials shall follow applicable gift policies and laws regarding disclosure and acceptance of gifts, including, but not limited to, gifts of travel, entertainment and sports/athletic activities and events.

(4) No City Official shall use or attempt to use his or her personal relationships with staff, businesses or others for inappropriate or personal benefit.

(5) City Officials shall avoid the appearance or reality of monetary gain or “quid pro quo”.

(6) No City Official shall use or attempt to use his or her official position to gain personal, professional, or financial advantage for the individual City Official or his or her direct family member. (As “direct family member” is defined in the City Code.)

(e) Professionalism and Courtesy

(1) During meetings and all public appearances, City Officials shall treat each other, speakers, invited guests, residents, businesses, staff and general public with professionalism, courtesy, respect and dignity, and shall:

- Be attentive, respectful and polite
- Avoid personal disparaging comments or references
- Focus on the action, not the individual
- Respect differences
- Be cognitive of demeanor and appearance
- Be respectful of schedules and agendas and responsive to all communications
- Be on time, prepared and ready to execute the duties and tasks of the position
- Avoid inappropriate actions and behavior that could reflect poorly upon the City or fellow City Officials

(2) At the City workplace, at any City event and at all times while representing the City, including traveling on City business, City Officials shall treat each other, staff and the general public with professionalism, courtesy, respect and dignity, and shall:

- Respect and embrace the Golden Rule (treat others as you would like to be treated)
- Be sensitive to differences in race, age, gender, disabilities, religious beliefs, political affiliation and national origin
- Strive to create an environment that is productive and free from gossip, rumors, intimidation, harassment, threats, retaliation, violence, hostility, and other adversity
- Avoid behavior and comments considered unacceptable in the workplace, such as inappropriate and demeaning comments, stories, humor and jokes
- Avoid sexual harassment, such as sexual conversations, sexual innuendos, and other comments that may be perceived as sexual in nature
- Keep personal and professional relationships separate

(f) Respect and Abide by the Council-Manager Form of Government

(1) Under the council-manager form of government, the City Council appoints a City Manager, who directs the day-to-day operations of all employees. City Officials should be sensitive to the role of the City Manager and shall not circumvent the appropriate chain of command by directing City staff.

(2) City Officials shall not interfere with the hiring, promotion, transfer, discipline, compensation or termination of any employee, other than those positions identified in the City Code that serve at the pleasure of the City Council.

(3) City Officials shall not interfere with or exert influence over the City's procurement process, except in an official capacity acting as Council as a whole.

(g) Use of City Equipment, Property and Resources

(1) City Officials shall adhere to City rules and policies on the use of City property, City logo, and City letterhead or other approved City communication tools, materials or publications.

(2) City Officials shall use City issued equipment in accordance with City policies and shall not use City equipment or facilities for private purposes, unless such use is generally available to the public.

(3) Any personal emails, faxes or use of other communications generated by the use of City equipment should be considered public information. As such, City Officials shall use City-assigned electronic mail accounts for City business only and not for personal business or for campaign purposes.

(4) City Officials shall not disclose or use executive session information or other information deemed confidential under state law without proper authorization.

(h) Communications

(1) City Officials are never "off the record" and should be mindful of communication actions that create a public record.

(2) City Officials shall qualify public comments as either the official position of Council or as a personal opinion and clarify whether Council has or has not acted on the topic (i.e., state "Council hasn't voted on this matter yet, however, I believe we should go in direction xyz").

(3) City Officials shall not make public statements or take individual actions on behalf of Council unless expressly authorized by Council.

(4) City Officials shall use all communication platforms to constructively benefit the City.

(5) City Officials shall communicate to fellow Council Members, the City Manager and/or the City Attorney any information that could negatively affect the operation or image of the City Council or the City to avoid a situation where such information is first learned from the media or outside sources.

(6) When appropriate or advisable, City Officials should notify appropriate City staff regarding all media contacts.

SEC. 2-134. Reporting Ethics Violations

Council Members have a duty to report violations of the Code of Ethics or any misconduct that raises a substantial question as to a Member's integrity or fitness as a public official. Council shall serve as a committee of the whole for purposes of Code of Ethics enforcement, which includes a reasonable process for investigating complaints that affords the subject of a complaint a full and fair opportunity to be heard. The City benefits from formal and informal reporting procedures that encourage prompt resolution of grievances and concerns.

(a) Informal Reporting Procedures

Before initiating the formal complaint process, a grievant should make every reasonable effort to resolve issues constructively in an informal manner, unless such efforts would be futile or inadequate to address the nature and severity of the alleged violation.

- (1) Whenever possible, a grievant should first discuss concerns with the alleged violator.
- (2) Either party may request the assistance of a neutral third-party to facilitate discussions about the complaint. Both parties must agree to use the neutral third-party.

(b) Formal Reporting Procedures

A grievant may initiate the formal complaint process when informal efforts are futile, unsuccessful, or inadequate to address the nature and severity of the alleged violation. A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint may be subject to criminal prosecution for perjury and civil liability.

- (1) The grievant shall inform the alleged violator of the intent to initiate the formal complaint process.
- (2) The grievant shall submit a formal complaint to the City Manager and City Attorney within ninety (90) days from the date the grievant first became aware of the alleged violation or within one (1) year from the date of the alleged violation.
- (3) The complaint shall provide:
 - i. The name of the grievant;
 - ii. The name of the alleged violator;
 - iii. The nature of the alleged violation, including the specific provision of the Code of Ethics or law allegedly violated;
 - iv. A statement of facts describing relevant conduct and dates;
 - v. Copies of relevant documents or materials and/or a list of unavailable, relevant documents or materials;
 - vi. A list of relevant witnesses; and

vii. An affidavit stating that the information contained in the complaint is true and correct, and stating the grievant has good reason to believe and does believe that the facts alleged constitute a violation of the Code of Ethics.

(4) The City Manager and City Attorney or designee shall gather relevant facts, documents, witness statements, interview the alleged violator, and gather other information relevant to the complaint.

(5) The City Attorney or designee shall prepare a recommendation to Council.

(6) The complaint and recommendation shall be submitted to the entire Council for review at a duly convened executive session. All laws pertaining to executive sessions shall apply, including the right of the alleged violator to an open hearing.

i. Council shall review the complaint and recommendation, and consult with the City Attorney or designee to determine whether there is reasonable cause to believe a violation occurred and whether sanctions are warranted

ii. If there is reasonable cause to believe a violation occurred, the matter may be placed on a Regular Council Meeting agenda for action.

(A) A 2/3 vote of the Council (of the Members Present) at a Regular Council Meeting shall be required for a determination that a violation of the Code of Ethics has occurred.

(B) A 2/3 vote of the Council (of the Members Present) at a Regular Council Meeting shall be required for sanctions.

SEC. 2-135. Sanctions

Any Council Member found in violation of this Code of Ethics may face the following sanctions:

(a) Warning

(b) Letter of reprimand

(c) Public censure by the Council, which may include:

(1) Loss of assignments;

(2) Loss of power to appoint members to City Boards, Commissions and Committees;

(3) Loss of Council discretionary funds;

(4) Loss of City-related travel privileges;

(d) A demand for non-monetary restitution (e.g., a public apology, the return of gifts); and/or

(e) A demand for reimbursement of administrative, legal, and/or investigation costs and expenses incurred in investigating and prosecuting the violation of the Code of Ethics.

Serious infractions of the Code of Ethics or other intentional and repeated conduct in violation of this Article VIII may result in other sanctions as deemed appropriate by Council. Violations of state law provisions described herein shall be punished as provided for in state law. The language used in imposing sanctions will be consistent and follow a specific format as established by the Council.

Secs. 2-136--2-999. Reserved.

ARTICLE IX. CODE OF ETHICS FOR BOARDS, COMMITTEES AND COMMISSIONS¹³

SEC. 2-136. Policy

(a) It is the policy of the City of Maricopa to uphold, promote and demand the highest standards of ethics from its Boards, Committees and Commissions. The Boards, Committees and Commissions shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws and never use their city position or powers improperly or for personal gain. By operating with these values, the City shall build, maintain, and enhance the trust of the public, staff, fellow Board, Committee and Commission Members, and the Mayor and City Council Members. This Code of Ethics has been created to ensure that all appointed Board, Committee and Commission Members have clear guidance for carrying out their responsibilities.

(b) All Board, Committee and Commission Members shall obey and observe the letter and spirit of the constitution and laws of the United States of America, the constitution and laws of the State of Arizona, and the code, laws and policies of the City of Maricopa applicable to Board, Committee and Commission Members, including this Code of Ethics.

(c) As a prerequisite for exercising any power of their appointed position, each Board, Committee and Commission Member is required to read and agree in writing to comply with the provisions of these laws, regulations, policies and this Ethics Code.

SEC. 2-137. Definitions

For the purposes of interpretation of this Article, the following words and phrases shall mean:

(a) Board, Committee and Commission Members - An appointed member of a City Board, Committee, Commission or Task Force.

(b) Ethics Code - the provisions set forth in this Article IX.

Except as otherwise provided herein, the words, terms, and phrases used in this Article shall have the meanings ascribed to them in Title 38 of the Arizona Revised Statutes and the City Code, except where the context clearly indicates a different meaning.

SEC. 2-138. Code of Ethical Conduct

(a) Operate in an Open, Accessible, and Transparent Manner and Adhere to All Applicable Laws At All Times

(1) The citizens of Maricopa expect and deserve open government. Board, Committee and Commission Members shall comply with all open meeting and public record laws as set forth in A.R.S. §§ 38-431 through 431.09 and §§ 39-121 through 121.03.

(2) Board, Committee and Commission Members shall conduct city business with transparency, seeking public input as advisable or appropriate, in a manner that fully

¹³ Added Article IX by Ordinance 14-10 Adopted on 09/16/2014

adheres to and preferably exceeds state law regarding open meetings and transparency of actions and shall not circumvent the open meeting law, or the spirit of the law, by using technology, a “hub and spoke” scheme, or any technique involving less than a quorum yet designed to communicate with a quorum of the public body.

(3) Board, Committee and Commission Members shall be accessible, open and conduct city business with transparency.

(b) Conflicts of Interest

(1) Board, Committee and Commission Members shall not be involved in any activity which creates a conflict of interest with their responsibilities to the City and its residents as defined by Arizona law.

(2) Board, Committee and Commission Members shall disclose and make known actual or perceived conflicts of interest as required by Arizona law.

(3) When a known conflict of interest arises, the Board, Committee or Commission Members involved shall disclose the conflict as soon as reasonably practical and shall refrain from participating in any manner in the city’s decision-making processes on the matter as a Board, Committee and Commission Member, including voting on the matter or attending meetings with, having written or verbal communications with, or offering advice to any member of the City Council, contractor, agent, other members of a city board, commission, committee, task force, other appointed advisory group or agency (other than the city attorney when the Board, Committee or Commission Member is seeking legal advice regarding a possible conflict).

(4) During a public meeting when an agenda item in which a Board, Committee or Commission Member has a conflict of interest comes up for consideration, the Board, Committee or Commission Member shall state publicly that he or she has a conflict, recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

(c) Serve Public Interests over Personal Interests

(1) Board, Committee and Commission Members have the obligation to put the interests of the City of Maricopa over all personal considerations.

(2) The goal should be to balance what is in the best interest for the broadest public good of the City, consistent with constitutional and other legal protection for minority, property and other interests.

(3) Board, Committee and Commission Members shall avoid favoritism and retribution.

(d) Undue Influence and Appearance of Impropriety

(1) No Board, Committee or Commission Member shall use or attempt to use his or her official position to influence Board, Committee or Commission decisions, Council decisions or City staff actions in favor of individuals, organizations or companies that may directly benefit the individual Board, Committee or Commission Member.

(2) Ask “Does this pass the headline test?”

(3) Board, Committee and Commission Members shall follow applicable gift policies and laws regarding disclosure and acceptance of gifts, including, but not limited to, gifts of travel, entertainment and sports/athletic activities and events.

(4) No Board, Committee or Commission Member shall use or attempt to use his or her personal relationships with staff, businesses or others for inappropriate or personal benefit.

(5) Board, Committee and Commission Members shall avoid the appearance or reality of monetary gain or “quid pro quo.”

(6) No Board, Committee or Commission Member shall use or attempt to use his or her official position to gain personal, professional, or financial advantage for the individual Board, Committee or Commission Member or his or her direct family member or business. (As “direct family member” is defined in the City Code.)

(e) Professionalism and Courtesy

(1) During meetings and all public appearances, Board, Committee and Commission Members shall treat each other, speakers, invited guests, residents, businesses, staff and general public with professionalism, courtesy, respect and dignity, and shall:

- Be attentive, respectful and polite
- Avoid personal disparaging comments or references
- Focus on the action, not the individual
- Respect differences
- Be cognizant of demeanor and appearance
- Be respectful of schedules and agendas and responsive to all communications
- Be on time, prepared and ready to execute the duties and tasks of the position
- Avoid inappropriate actions and behavior that could reflect poorly upon the City or fellow Board, Committee or Commission Members

(2) At the City workplace, at any City event and at all times while representing the City, including traveling on City business, Board, Committee and Commission Members shall treat each other, staff and the general public with professionalism, courtesy, respect and dignity, and shall:

- Respect and embrace the Golden Rule (treat others as you would like to be treated)
- Be sensitive to differences in race, age, gender, disabilities, religious beliefs, political affiliation and national origin
- Strive to create an environment that is productive and free from gossip, rumors, intimidation, harassment, threats, retaliation, violence, hostility, and other adversity
- Avoid behavior and comments considered unacceptable in the workplace, such as inappropriate and demeaning comments, stories, humor and jokes
- Avoid sexual harassment, such as sexual conversations, sexual innuendos, and other comments that may be perceived as sexual in nature
- Keep personal and professional relationships separate

(f) Respect and Abide by the Council-Manager Form of Government

(1) Under the council-manager form of government, the City Council appoints a City Manager, who directs the day-to-day operations of all employees. Board, Committee and Commission Members should be sensitive to the role of the City Manager and shall utilize the designated staff liaison for all communications.

(2) Board, Committee and Commission Members shall not interfere with the hiring, promotion, transfer, discipline, compensation or termination of any employee.

(3) Board, Committee and Commission Members shall not interfere with or exert influence over the City's procurement process.

(g) Use of City Equipment, Property and Resources

(1) Board, Committee and Commission Members shall adhere to City rules and policies on the use of City property, City logo, and City letterhead or other approved City communication tools, materials or publications.

(2) Board, Committee and Commission Members shall use City issued equipment in accordance with City policies and shall not use City equipment or facilities for private purposes, unless such use is generally available to the public.

(3) Any personal emails, faxes or use of other communications generated by the use of City equipment should be considered public information. As such, Board, Committee and Commission Members who have City-assigned electronic mail accounts shall use them for City business only and not for personal business or for campaign purposes.

(4) Board, Committee and Commission Members shall not disclose or use executive session information or other information deemed confidential under state law without proper authorization.

(h) Communications

(1) In the event of media requests or contacts, Board, Committee and Commission Members should, when appropriate or advisable, notify and seek guidance from the appropriate City staff. Board, Committee and Commission Members are never "off the record" and should be mindful of communication actions that create a public record.

(2) Board, Committee and Commission Members shall qualify public comments as either the official position of the Board, Committee or Commission or as a personal opinion and clarify whether the Board, Committee or Commission have or have not acted on the topic (i.e., state "My Board, Committee or Commission has not voted on this matter yet, however, I believe we should go in direction xyz").

(3) Board, Committee and Commission Members shall not make public statements or take individual actions on behalf of the Board, Committee or Commission unless expressly authorized by the Board, Committee or Commission.

(4) Board, Committee and Commission Members shall use all communication platforms, including social media, to constructively benefit the City.

(5) Board, Committee and Commission Members shall communicate to fellow Board, Committee or Commission Members, the City Manager and/or the City Attorney any information that could negatively affect the operation or image of the Board, Committee or Commission, City Council or the City.

SEC. 2-139. Reporting Ethics Violations

Board, Committee and Commission Members have a duty to report violations of the Code of Ethics or any misconduct that raises a substantial question as to a Member's integrity or fitness as an appointed representative. Council shall serve as a committee of the whole for purposes of Code of Ethics enforcement, which includes a reasonable process for investigating complaints that affords the subject of a complaint a full and fair opportunity to be heard. The City benefits from formal and informal reporting procedures that encourage prompt resolution of grievances and concerns.

(a) Informal Reporting Procedures

Before initiating the formal complaint process, a grievant should make every reasonable effort to resolve issues constructively in an informal manner, unless such efforts would be futile or inadequate to address the nature and severity of the alleged violation.

(1) Whenever possible, a grievant should first discuss concerns with the alleged violator, staff liaison and nominating Council member.

(2) It is highly recommended that either party request the assistance of staff to facilitate discussions about the complaint. Both parties must agree to speak with staff.

(b) Formal Reporting Procedures

A grievant may initiate the formal complaint process when informal efforts are futile, unsuccessful, or inadequate to address the nature and severity of the alleged violation. A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint may be subject to criminal prosecution for perjury and civil liability.

(1) The grievant shall inform the alleged violator of the intent to initiate the formal complaint process.

(2) The grievant shall submit a formal complaint to the City Manager, City Attorney, or designee within sixty (60) days from the date the grievant first became aware of the alleged violation (3) The complaint shall provide:

- i. The name of the grievant;
- ii. The name of the alleged violator;
- iii. The nature of the alleged violation, including the specific provision of the Code of Ethics or law allegedly violated;
- iv. A statement of facts describing relevant conduct and dates;
- v. Copies of relevant documents or materials and/or a list of unavailable, relevant documents or materials;

- vi. A list of relevant witnesses; and
- vii. An affidavit stating that the information contained in the complaint is true and correct, and stating the grievant has good reason to believe and does believe that the facts alleged constitute a violation of the Code of Ethics.

(4) The City Manager, City Attorney or designee shall gather relevant facts, documents, witness statements, interview the alleged violator, and gather other information relevant to the complaint.

(5) The City Attorney or designee shall prepare a recommendation to Council.

(6) The complaint and recommendation shall be submitted to the entire Council for review at a duly convened executive session. All laws pertaining to executive sessions shall apply, including the right of the alleged violator to an open hearing.

- i. Council shall review the complaint and recommendation, and consult with the City Attorney or designee to determine whether there is reasonable cause to believe a violation occurred and whether sanctions are warranted
- ii. If there is reasonable cause to believe a violation occurred, the matter may be placed on a Regular Council Meeting agenda for action or direction.

SEC. 2-140. Sanctions

Any Board, Committee and Commission Member found in violation of this Code of Ethics may face the following sanctions:

- (a) Warning
- (b) Letter of reprimand
- (c) A demand for non-monetary restitution (e.g., a public apology, the return of gifts)
- (d) Removal by Council based on a majority vote;

Serious infractions of the Code of Ethics or other intentional and repeated conduct in violation of this Article IX may result in other sanctions as deemed appropriate by Council. Violations of state law provisions described herein shall be punished as provided for in state law. The language used in imposing sanctions will be consistent and follow a specific format as established by the Council.

Secs. 2-141 – 2-999. Reserved.